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TRANSFERRED FROM THE HYGIENIC LABORATORY TO
THE U. S. NATIONAL MUSEUM May 1, 1920

THE DAIRY

AND

PURE FOOD LAWS

OF THE *Drugs*

STATE OF

CONNECTICUT

CORRECTED TO THE CLOSE OF
THE LEGISLATIVE SESSION OF 1919

OFFICE OF
DAIRY AND FOOD COMMISSIONER
STATE CAPITOL

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Laws, Statutes
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GENERAL STATUTES, REVISION OF 1918

CHAPTER 127

Sec. 2405. Slaughter Houses; Regulations;

Penalty. No slaughter house or place where the business of slaughtering beef, poultry or swine or preparing the same for market is carried on shall be maintained in any town, city or borough except upon written permission of the health officer or board of health of the town, city or borough within which the same is located, which permission may be revoked at any time. Such board of health or health officer may prescribe such rules and regulations as said board or officer may judge necessary for the control and management of such houses or places and for the proper inspection of the food products slaughtered or prepared for market therein, and may enter into such houses or places for the purposes of inspection. Any person who shall violate any rule or regulation made by any board of health or health officer under authority of this section or who shall conduct a slaughter house without having such written permission shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both. The legislative authorities of any city or borough may establish and maintain a slaughter house or slaughter houses within their respective territorial limits.

GENERAL STATUTES, REVISION OF 1918

CHAPTER 128.

PURE FOOD AND DRUGS.

Sec. 2436. Manufacture or Sale. It shall be unlawful for any person to manufacture, transport, sell or offer for sale or transportation any article of food or drugs which is adulterated or misbranded within the meaning of this chapter.

Sec. 2437. "Drugs" and "Food;" Definitions. The term "drug" as used in this chapter shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external medical use and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food" as used in this chapter shall include all articles, whether simple, mixed or compound, used for food, drink, confectionery or condiment by man or animals.

Sec. 2438. "Adulterated"; definition. For the purpose of this chapter an article shall be deemed to be adulterated: In case of drugs: First, if, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity as determined by the test laid down in said United States Pharmacopoeia or indicated by the National Formulary official at

the time of investigation; **provided**, no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated on the bottle, box or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or indicated by the National Formulary: Second, if its strength or purity falls below the professed standard or quality under which it is sold. In the case of confectionery: If it contains **terra alba**, barytes, talc, chrome yellow or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drugs. In the case of foods: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength: Second, if any substance has been substituted wholly or in part for the article: Third, if any valuable constituent of the article has been wholly or in part abstracted therefrom: Fourth, if it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed: Fifth, if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: Sixth, if it consists, in whole or in part, of a filthy, decomposed or putrid animal or vegetable substances, or any portion of an animal unfit for food, whether manu-

factured or not, if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Sec. 2439. "Misbranded"; definition. The term "misbranded" as used in this chapter shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced. For the purposes of this chapter an article shall be deemed to be misbranded: In the case of drugs: First, if it be an imitation of or offered for sale under the name of another article: Second, if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or, except when dispensed by a registered physician or veterinary, or by a licensed pharmacist in filling the prescription of a registered physician or veterinary, or in case of drugs for external use only, or, except when a drug is sold under or by a name recognized in the United States Pharmacopoeia, the package fails to bear a statement on the label of the quantity or proportion of alcohol, morphine, opium, cocaine, heroin, **alpha** or **beta** **eucaine**, chloroform, **cannabis indica**, choral hydrate or acetanilid, or any derivative or preparation

of any of said substances contained therein: Third, if the package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false. In the case of foods: First, if it be an imitation of or offered for sale under the distinctive name of another article: Second, if it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not in fact a foreign product, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fails to bear a statement on the label of the quantity or proportion of morphine, opium, cocaine, **alpha** or **beta eucaine**, heroin, chloroform, **cannabis indica**, chloral hydrate or acetanilid, or any derivative or preparation of any of said substances contained therein: Third, if when in package form and the contents are stated in terms of weight or measure, the weight or measure is not plainly and correctly stated on the outside of the package: Fourth, if the package containing it, or the label of such package, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular; **provided, an article** of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded

in the following cases: First, in the case of any mixture or compound which may be known as an article of food under its distinctive name, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied, on the same label or brand, with a statement of the place where such article has been manufactured or produced: Second, in the case of an article labeled, branded or tagged so as to plainly indicate that it is a compound, imitation or blend, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; **provided**, the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and **provided**, nothing in this chapter shall be construed to require proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade **formulae** except so far as the provisions of this chapter may require to secure freedom from adulteration or misbranding.

Sec. 2440. Rules and Regulations. The dairy and food commissioner and the director of the Connecticut Agricultural Experiment Station, acting jointly, shall make uniform rules and regulations for carrying out the provisions of this chapter including the collection and examination of specimens of foods and drugs manufactured, sold, trans-

ported or offered for sale or transportation within this state, or which may be submitted for examination by any health, food or drug officer of any town, city or country in the state. Such rules and regulations shall where possible conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

Sec. 2441. Collection of Samples. Under said rules and regulations representative samples shall be collected by the dairy and food commissioner or his deputies, and the Connecticut Agricultural Experiment Station or its agents. The dairy and food commissioner or his deputies and the agents of said agricultural experiment station shall have access, at all reasonable hours, to any place where it is suspected that there is kept for sale, use, compounding, dispensing, distribution or export, any article of food or drugs, adulterated or misbranded within the meaning of this chapter, and said dairy and food commissioner or his deputies, and the agents of said agricultural experiment station, upon tendering the market price thereof, may take from any person, firm or corporation samples of such articles. Samples may be purchased in the open market, and if in bulk, the marks, brands or tags upon the package, carton, wrapper or other container and the accompanying printed or written matter shall be noted, and the person collecting such samples shall also note the names of the vendor and

the agent through whom the sale was made, with the date of the purchase. Samples shall be divided into three equal parts and each part shall be labeled with identifying marks; one of such parts shall be delivered to the person from whom the purchase was made, or if a guaranty has been given as hereinafter provided such part shall be delivered to the guarantor, one of such parts shall be sent to the Connecticut Agricultural Experiment Station, and one part shall be held under seal by the dairy and food commissioner. The parts of the samples so divided shall be sealed by the person collecting the same with a seal provided for such purpose.

Sec. 2442. Analyses. It shall be the duty of the Connecticut Agricultural Experiment Station to make analyses and examinations of all such articles as shall be furnished under the provisions of the preceding section for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this chapter, and to certify the results of such analyses and examinations to the dairy and food commissioner.

Sec. 2443. Hearings for Accused Persons; Certificates. When any such examination or analysis shows that any provisions of this chapter have been violated, the dairy and food commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label

as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed under section 2440, and notices shall specify the date, hour and place of such hearing, and if any person or corporation concerned resides without the state, reasonable notice shall be given by mail at such address as may with due diligence be obtained. The hearing shall be private and the parties interested therein may appear in person or by attorney. If, after such hearing, the dairy and food commissioner shall find that any provision of this chapter has been violated he shall at once certify to the proper prosecuting officer a copy of the results of the examination or analysis of such article, duly authenticated by the analyst or officer making such examination or analysis, under oath of such officer.

Sec. 2444. Duties of Prosecuting Officer.

It shall be the duty of the prosecuting officer to whom said dairy and food commissioner shall report any such violation as hereinbefore provided to forthwith cause appropriate proceedings to be commenced in the proper court for the enforcement of the penalties in such cases provided.

Sec. 2445. Judgment; Appeal. After judgment of said court, notice thereof shall be given by publication in such manner as may be prescribed by the rules and regulations referred to in section 2440, and if an appeal

be taken from the said judgement notice of that fact shall be included in said publication.

Sec. 2446. Penalties. Any person violating any of the foregoing provisions of this chapter shall be guilty of a misdemeanor, and for a first offense shall be fined not less than five nor more than three hundred dollars, and for each subsequent offense not less than fifty nor more than five hundred dollars or imprisoned not less than thirty days nor more than one year or both. No civil action shall be maintained on account of any sale or other contract made in violation of section 2436.

Sec. 2447. When Dealer Not Punished. No dealer shall be punished under the provisions of this chapter for selling or offering for sale any article of food or drugs in the original unbroken package in which it was received by said dealer, **provided**, he can establish a guaranty by the wholesaler, jobber, manufacturer or other person residing in the United States from whom he purchased such article to the effect that said article is not adulterated or misbranded within the meaning of this chapter, **provided**, said guaranty shall contain the name and address of the person making the sale of said article to such dealer, and in such case said person shall be amenable to the prosecution and penalties which would otherwise attach to said dealer under the provisions of this chapter. When the examinations or analyses herein provided for show that the provisions of this chapter have been violated and the dealer is

relieved from prosecution under this section by the production of a guaranty signed by a person residing outside of this state, then the dairy and food commissioner shall report such fact to the secretary of agriculture of the United States, or the proper officer appointed for the enforcement of the act of Congress approved June 30, 1906, and known as the "Food and Drugs Act."

Sec. 2448. "Person"; Definition. The word "person" in this chapter shall be construed to import the singular and the plural as the case demands, and shall include corporations, companies, societies and associations, and the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall be deemed to be the act, omission or failure of such corporation, company, society or association as well as that of said person.

Sec. 2449. Definition of Imitation Butter. Any article resembling butter in appearance and not made wholly, salt and coloring excepted, from the milk of cows, shall be imitation butter within the meaning of this chapter. The words "butter," "dairy," or "creamery" shall form neither the whole nor a part of the name of any imitation butter, nor shall any of said words appear upon any imitation butter, nor upon any box, tub or package containing imitation butter.

Sec. 2450. Manufacturers or Dealers in Imitation Butter to be Licensed. No person

shall manufacture, sell, offer or expose for sale, or have in possession with intent to sell, or use, oleomargarine, butterine or renovated butter, unless annually licensed by the dairy and food commissioner. Such license shall be issued in the form approved by the dairy and food commissioner, shall be hung in the place where such business is conducted and shall contain the name of the licensee and a description of the premises wherein such business is to be conducted and such license shall expire September thirtieth in each year. The application for such license shall be in such form as said commissioner shall prescribe and shall contain the name of the applicant and a description of the place and character of the business conducted by such applicant. Applications for such licenses shall be accompanied by the following fee payable to the treasurer of the state: For making oleomargarine, butterine or renovated butter, twenty-five dollars; for selling oleomargarine, butterine or renovated butter in quantities of more than ten pounds, five dollars; for selling oleomargarine, butterine or renovated butter at retail, in quantities of not more than ten pounds, two dollars; for the use of oleomargarine, butterine or renovated butter by a hotel, restaurant or dining room, one dollar. A license may be issued under the provisions of this section from the first day of any month to expire September thirtieth at a rate proportionate to the yearly rate. The managing officer or agent of a corporation or any other person who violates any provision of

this section shall be fined not more than one hundred dollars.

Sec. 2451. Sale of Imitation Butter Regulated. No person by himself, his agents or servants, shall render or manufacture, sell, offer or expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product or compound, made wholly or partly from any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; but this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration and from any ingredient intended to cause it to look like butter. No imitation butter shall be sold, exposed for sale, or delivered except under the following conditions: (1) The seller shall maintain in plain sight, over the main outer entrance of the premises where the selling is done, a sign bearing in plain black Roman letters, not less than two inches wide and four inches long, on a white ground, the words "Sold here" preceded by the name of the imitation article. If the selling is done from a vehicle such vehicle shall conspicuously bear such sign upon both sides of such vehicle upon the outside: (2) All imitation butter shall be kept in an enclosing package which shall bear on the outside of its body and cover, at all

times in plain sight of a beholder of the package in black Roman letters, not less than one inch wide and two inches long on a white or light colored ground, the name of the imitation article. All signs prescribed in this section and in sections 2452 and 2453 shall be provided by the dairy and food commissioner, and all signs required to be maintained in plain sight over the main outer entrance of the premises where the selling is done shall be placed in position subject to the directions of the dairy and food commissioner or his deputy. All signs so furnished by the dairy and food commissioner shall be paid for by the parties receiving the same, at the actual cost thereof.

Sec. 2452. Vendor must Expose Sign. No baker or vendor of food shall sell or expose for sale any article of food containing imitation butter unless such baker or vendor shall maintain the kind of a sign prescribed by section 2451, in the way and manner prescribed in that connection, except that the word "used" shall be substituted for the word "sold." If the selling be done from a vehicle such vehicle shall conspicuously bear such sign.

Sec. 2453. Hotel Keeper must Expose Sign. No keeper of a hotel, boarding house or restaurant, temporary or permanent, shall furnish a guest with imitation butter or food containing it, unless such keeper shall maintain in plain sight of all guests sitting at tables where food is served such a sign or signs as prescribed by section 2451, except

that the word "used" shall be substituted for the word "sold."

Sec. 2454. Sale of Tub Butter Regulated.

No person by himself, his agents or his servants, shall sell, offer for sale or have in his possession with intent to sell, butter known as "tub butter" which is pressed or printed into what is known as bricks, pats or balls, except under the following conditions: Every such brick, pat or ball, shall have the words "tub butter" in one-half inch Roman letters, stamped or pressed upon it, and if wrapped the wrapper shall be marked in like manner. Every person violating any provision of this section shall be fined not more than one hundred dollars.

Sec. 2455. Penalties. Every person violating any provision of sections 2449, 2451 or 2452, and every person, except a boarding-house keeper, violating section 2453 shall, for the first offense, be fined not more than one hundred dollars or imprisoned not more than sixty days or both; for each subsequent offense, he shall be fined not more than two hundred dollars or imprisoned not more than four months or both. Every boarding-house keeper violating section 2453 shall, for the first offense, be fined twenty-five dollars or imprisoned not more than thirty days or both; for each subsequent offense he shall be fined not more than fifty dollars or imprisoned not more than sixty days or both. Evidence of any violation shall be **prima facie** evidence of wilful violation.

Sec. 2456. Renovated Butter; Sale. No person, by himself or agent, or otherwise, shall sell, expose for sale or have in his possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same so that the butter fat can be drawn off, and mixing the said butter fat with skim milk, cream or other milk product, and re-churning the said mixture, or by any similar process, and which is commonly known as process butter, unless he shall have the words "Renovated Butter" conspicuously stamped, labeled or marked, in a straight line in printed letters not less than one-half inch in length of plain Gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself or by his agent, attach to each package sold, and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package, the words "Renovated Butter" in printed letters not less than one-half inch in length in a straight line of plain Gothic type. Every person who shall violate the provisions of this section, shall be fined not less than ten nor more than one hundred dollars. The manufacture, sale and use of renovated butter shall be regulated by the use of such signs as are prescribed for the use and sale of oleo-margarine as defined in sections 2451, 2452

and 2453, but the words "Renovated Butter" shall be substituted for word "Oleomargarine."

Sec. 2457. Print Butter; Marked. No person shall, by himself, his servant or agent, sell or offer or expose for sale, or have in his possession with intent to sell any print butter unless the package or wrapper containing the same shall have conspicuously printed thereon, in letters or figures not less than one-half inch in height, in plain Gothic type, the net weight of the butter contained therein. Every person who shall violate any provision of this section shall be punished by a fine not exceeding twenty-five dollars.

Sec. 2458. Adulteration of Molasses. Any person who shall adulterate molasses, or who shall sell, offer or expose for sale, or solicit or receive an order for the sale or delivery within this state or for delivery without this state for shipment into this state, of any molasses adulterated with salts of tin, *terra alba*, glucose, dextrose, starch, sugar, corn syrup or other preparation of or from starch, shall be fined not more than five hundred dollars or imprisoned not more than one year or both. The delivery of any of the above mentioned preparations, upon an order solicited or received within this state, shall be conclusive evidence that the order upon which such delivery was made was for such articles and shall render the person soliciting or receiving such order liable to the penalty above prescribed.

Sec. 2459. Sale of Impure Vinegar Forbidden. No person shall make, sell, offer or expose for sale or exchange, solicit or receive any order for the sale or delivery within the state, or for delivery without the state for shipment into the state, of: (1) Any vinegar, as cider vinegar, not wholly produced from the juice of apples; (2) any vinegar or article sold or to be sold as vinegar, to which has been added any drug, or any hurtful or foreign substance, or any coloring matter, or any acid; or (3) any vinegar not having an acetic acidity equivalent therein of not less than four per centum by weight of absolute acetic acid, and in case of cider vinegar, not less than one and six-tenths per centum by weight of cider vinegar solids upon full evaporation over boiling water. Every person violating any provision of this section shall be fined not more than fifty dollars for a first offense, and for a subsequent offense not more than one hundred dollars or imprisoned thirty days or both. The delivery of any of the above mentioned articles upon an order solicited or received within the state shall be conclusive evidence that the order upon which such delivery was made was for such articles.

Sec. 2460. Sale of Vinegar Regulated. No person shall make and sell, or make and offer for sale, any vinegar without conspicuously branding, stenciling or painting, upon the head of the barrel, cask, keg or package containing the same, the name of the maker, his residence, place of manufacture, and the true name of the kind of

vinegar contained therein as "cider vinegar," "wine vinegar," "malt vinegar," or "wood acid vinegar"; **provided**, this section shall not apply to retail sales at the place of manufacture in quantities of less than five gallons, and in open packages. Every person violating any provision of this section shall be fined not more than fifty dollars for the first offense, and for each subsequent offense not more than one hundred dollars.

Sec. 2461. Sale of Eggs Regulated. Every person, firm or corporation who shall sell or offer for sale any eggs which have been preserved by any artificial process, or which have been kept in storage for more than fifteen days, in any place where the temperature is reduced by means of chemicals or other agents, or which have been incubated for twenty-four hours or more, shall affix to the package or receptacle containing such eggs, and the package or receptacle in which they are delivered, conspicuously displayed with such eggs a label or placard bearing in plain letters not less than one inch in height, the words "cold storage eggs," or "preserved eggs," or "incubated eggs," as the case may be. No eggs shall be brought into this state that have been held in cold storage or preserved by any process, or incubated, unless the package containing said eggs shall be marked or labeled in accordance with the provisions of this section.

Sec. 2462. Penalty. Any person who shall fail to comply with the provisions of the preceding section, or who shall knowingly mis-

represent the condition or quality of any eggs which have been kept in cold storage, preserved or incubated, shall be fined not more than twenty-five dollars.

Sec. 2463. Marking of Eggs. Any person who shall sell or offer for sale any egg which has been preserved by any artificial process or which has been kept in storage more than fifteen days in any place where the temperature is reduced by means of chemicals or other agents or which has been incubated for twenty-four hours or more, unless such egg shall be plainly stamped with indelible ink with the words "Cold Storage," "Preserved" or "Incubated" as the case may be, shall be fined not more than twenty-five dollars.

Sec. 2464. Testing of Milk and Cream. The dairy and food commissioner shall make rules and regulations for the examination of persons who may engage in testing milk or cream to be sold to the public upon the basis of the butter fat content. He shall cause to be published in at least three newspapers in each county the time when and the place where such examinations are to be held. An examination fee of one dollar shall be charged to cover the expense of such examination. No person shall test any milk or cream for the purpose of determining its butter fat content, the result of which test is to serve as a basis of payment for such milk or cream, without having obtained such certificate. Any person violating any provision of this section, or any person who shall obtain a certificate by authority of the provisions of this section

and shall be guilty of practicing any fraud in the testing of any milk or cream shall be fined not more than fifty dollars or imprisoned not more than sixty days, or both.

Sec. 2465. Milk; Standard Quality Defined.

Any milk which is sold or exchanged or offered for sale or exchange, shall be deemed to be sold, exchanged or offered as of standard quality, unless otherwise expressly stated at the time of such sale, exchange or offer. Milk of standard quality shall contain not more than eighty-eight and one-quarter per centum of watery fluid, not less than eleven and three-quarters per centum of milk solids, not less than eight and one-half per centum of solids not fat, and not less than three and one-quarter per centum of milk fats; and the certificate of the director of the Connecticut Agricultural Experiment Station, or the director of the laboratory of the State Department of Health, shall be *prima facie* proof of the composition of any milk.

Sec. 2466. Adulterated Milk; Sale Forbidden. No person shall, by himself, his servant or agent, sell or exchange, or offer for sale or exchange, or have in his possession with intent to sell or exchange, as of standard quality, any milk which is not of standard quality, or any milk diluted with water or adulterated by the addition of any foreign substance, or which has been wholly or in part skimmed, or shall knowingly deliver or offer for delivery milk that is tainted or partly sour to any customer buying the same for sweet milk.

Sec. 2467. Skim Milk; Labels. No person shall sell or offer or expose for sale, milk from which the cream or any part thereof has been removed without distinctly and durably affixing a metal label or tag in a conspicuous place upon the outside, and not more than six inches from the top, of every can, vessel or package containing such milk, and such metal label or tag shall have the words "Skimmed Milk" stamped, printed or indented thereon in letters not less than one inch in height; and such milk shall only be sold out of a can, vessel or package so marked. Skimmed milk may be sold in milk bottles if plainly marked or tagged as such.

Sec. 2468. Cream; Standard Quality Defined. The term "cream" as used in this chapter shall mean that portion of milk which rises to the surface of unagitated, unadulterated milk while standing, or is separated from it by centrifugal force and contains not less than sixteen per centum of butter fat. Any other substance sold as cream shall be clearly and distinctly labeled declaring the principal constituents thereof and the per centum of fat contained therein. Any person violating any provision of this section shall be fined not more than one hundred dollars.

Sec. 2469. Adulterated Cream; Sale Forbidden; Exception. No person shall sell or exchange or offer for sale or exchange, or have in his possession with intent to sell or exchange, as of standard quality, any cream which is not of standard quality or any cream which has been adulterated by the addition

of any foreign substance. Cream of less than sixteen per centum of butter fat may, however, be sold if the minimum per centum of butter fat is plainly printed or stamped on the label attached to the container.

Sec. 2470. "Pasteurized" Milk; Labels.

No person shall sell or exchange or offer or expose for sale or exchange, or have in his possession with intent to sell or exchange, any milk or cream which has been subjected to the action of heat, commonly known as "pasteurization" unless the receptacle in which the same is contained is plainly labeled "Pasteurized," with the day of the week of pasteurization. If such milk or cream has been pasteurized more than one week, there shall be printed on the label in letters at least one-eighth of an inch high the following: "Pasteurized more than one week."

Sec. 2471. Condensed Milk or Cream; Sale Regulated. No person shall sell or exchange or offer or expose for sale, or have in his possession with intent to sell or exchange, any condensed milk or cream which is adulterated. The term "adulterated" as used in this section means condensed milk in which the total amount of solids is less than twenty-eight per centum, of which solids not less than thirty-five per centum shall be milk sugar, not less than thirty-one per centum milk fat, not less than twenty-seven per centum protein, and not less than six per centum ash or salts, or to which any foreign substance, except sugars, as in preserved

milks, has been added; and means condensed cream in which the total amount of solids is less than forty per centum, of which not less than seventeen per centum shall be milk sugar, seventy-one per centum milk fat, ten per centum protein, and two per centum ash, or to which any foreign substance, except sugars, as in preserved milks, has been added. The terms "condensed milk" and "condensed cream" as used in this section mean milk or cream from which any part of the water has been removed, or milk or cream from which any part of the water has been removed and to which sugars have been added.

Sec. 2472. Evaporated Milk or Cream. Sale Restricted. No person shall sell or exchange or offer for sale or exchange, or have in his possession with intent to sell or exchange, any milk powder or evaporated milk or cream except in the original packages in which the same are packed by the manufacturer or maker thereof, and every such package shall be plainly marked so as to show the contents thereof and the ingredients composing such contents.

Sec. 2473. Penalties. Every person convicted of a first violation of any of the provisions of sections 2465, 2466, 2467, 2469, 2470, 2471 and 2472, shall be fined not less than seven nor more than two hundred dollars, and for each subsequent conviction such person shall be so fined, or imprisoned for not less than ten days or more than six months or both.

Sec. 2474. Milk or Cream; Measure. All sales of milk or cream shall be made by wine measure.

Sec. 2475. Milk and Cream; Cans, Jars and Bottles. No person shall, by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation having custody of any can, jar, bottle, measure or other vessel used as a container for milk intended for sale, place or cause or permit to be placed therein any offal, swill, kerosene or vegetable matter, or any article other than milk, skimmed milk, buttermilk or cream, or water or other agent used for cleansing such can, jar, bottle, measure or other vessel.

Sec. 2476. Milk Containers; what uses Forbidden. No person shall, by himself or by his servant or agent, or as the servant or agent of any other person, firm or corporation, send, ship, return or deliver, or cause or permit to be sent, shipped, returned or delivered to any producer of milk, any can, jar, bottle, measure or other vessel used as a container for milk, containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk or any other offensive material.

Sec. 2477. Penalties. Every person who shall violate any provision of the three preceding sections shall be fined seven dollars for each offense.

Sec. 2478. Printed Notices: A printed notice containing sections 2465 to 2476, inclusive, and this section, shall be conspicuous-

ly posted in all public places, creameries or factories where milk is received or sold.

Sec. 2479. Dairy and Food Commissioner; Powers. The dairy and food commissioner shall have power to enforce the provisions of the preceding sections of this chapter, and when the necessary evidence is submitted by the Connecticut Agricultural Experiment Station that any of said provisions has been violated, he shall make complaint to the proper prosecuting officer. The dairy and food commissioner, or his authorized agent, shall have the right to take samples of milk or cream from any producer or vendor upon tender of the market price thereof, and he shall seal and mark a duplicate sample of such milk or cream and leave the same with such producer or vendor.

Sec. 2480. Agents and Assistants, Prosecutions. The dairy and food commissioner may employ agents and assistants to enforce the provisions of the general statutes relating to the production and marketing of milk or cream and the provision of the rules and regulations of the milk regulation board and the orders of said commissioner as authorized by said board. If the dairy and food commissioner, his deputy or any agent or assistant, shall find that any of the said provisions of the general statutes, or any of the provisions of the rules and regulations of the milk regulation board, or any order authorized thereby, has been violated, said commissioner, his deputy or any agent or

assistant, shall cause prosecution for such violation.

Sec. 2481. Milk from Diseased Cow; Sale Forbidden. Every person who shall knowingly sell or expose for sale, milk or any product of milk, from a cow which shall have been adjudged by the commissioner on domestic animals to be affected with tuberculosis or other blood disease shall be fined not more than seven dollars or imprisoned not more than thirty days or both.

Sec. 2482. Impure Milk; Definition. Milk containing more than one million bacteria per cubic centimeter shall be considered impure milk.

Sec. 2483. Sale of Milk. Order of Prohibition. Every official authorized to prohibit the sale of milk shall state in each order issued for such purpose whether the same is issued to prevent the sale of milk which is unfit for consumption as food.

Sec. 2484. Damages. Any official issuing such order shall ascertain the average daily quantity of milk produced by the cows or goats of each person affected by such order of prohibition, and the municipality wherein such sale is prohibited shall pay damages for the value of the milk which such person has been unable to sell because of such order, during the period of prohibition, upon proof that at the time such order was issued such milk was fit for such consumption, and the premises where such milk was produced were free from contagious disease. Any person

aggrieved by such order, in the event of failure to agree with the municipality as to the value of the milk produced during such period, may collect the value thereof from such municipality.

Sec. 2485. Milk Regulations Board. The dairy and food commissioner, the attorney-general, the commissioner of health, the secretary of the State Board of Agriculture and the secretary of the Connecticut Dairy-men's Association shall constitute a milk regulation board. Said board shall keep a record of its proceedings and may appoint officers and prescribe their duties. Said board shall have an office with the dairy and food commissioner.

Sec. 2486. Regulations. Said board, after public hearing, notice of which shall be given by publication in a newspaper published in each county at least two weeks before such hearing, may make, amend, repeal or suspend rules and regulations concerning the inspection of dairies, the production, care, handling, marketing or sale of milk or cream within the state, to protect the public from the use of milk or cream which is unsanitary or detrimental to public health. Such rules and regulations shall take effect twenty days after such publication.

Sec. 2487. Appeals from Local Authorities. Any person claiming to be aggrieved by an order issued by any official authorized to prohibit the sale of milk or cream in any town, city or borough may appeal from such order to the milk regulation board. Such appeal

shall be taken by filing in the office of said board a copy of the order prohibiting such sale, with a brief statement of such grievance. Said board shall, within one week after the receipt of such appeal, ascertain the methods employed by the person taking such appeal in producing, handling or distributing milk or cream, and shall cause an inspection of all implements and equipment used in the production and handling of the same, the cows from which, and barn and premises where such milk or cream is produced or procured, and after such inspection shall forthwith affirm, modify or rescind such order, but the original order shall remain in force pending such appeal.

Sec. 2488. Appeals from Milk Regulation Board. Any person claiming to be aggrieved by any rule, regulation or order made by said board, may appeal from the same to the superior court for the county wherein such person resides, if said court is in session, and if said court is not in session, such appeal may be taken to any judge of said court within thirty days after the publication of such rule, regulation or order. Such appeal shall be taken by petition, in writing, with a citation signed by competent authority, to said board and the same shall be served upon the attorney-general at least twelve days before the next return day of said court and if to a judge of said court, the same shall be served ten days before date of hearing thereon. Said petition shall contain a copy of the rule, regulation or order appealed from,

with a statement of the grievance of the party taking such appeal. Said court or judge, by itself or by a committee appointed by it, may hear such appeal **de novo** and may affirm, modify or rescind such rule, regulation or order or any part thereof.

Sec. 2489. Requirements for Dealers. No person shall engage in the production, care, marketing or sale of milk or cream unless he shall have complied with the rules and regulations of said board and the provisions of sections 2485 to 2492 inclusive.

Sec. 2490. Sale and Distribution Prohibited. The dairy and food commissioner, or his deputy, shall prohibit the sale or distribution of any milk or other dairy product which is unsanitary or detrimental to health, and which has not been produced, cared for or handled in the manner prescribed by said sections and by the rules and regulations of said milk regulation board.

Sec. 2491. Local Regulations not Affected. No provisions of sections 2485 to 2492 inclusive shall affect the authority of any town, city or borough to enact ordinances or by-laws for the control, regulations, sale or distribution, within its limits, of milk which is detrimental to public health.

Sec. 2492. Penalties. Any person who shall violate any provision of sections 2486, 2489, 2490, or any rule or regulation established by said board or any order of said commissioner duly authorized, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

Sec. 2493. Report on Adulterated Food Products. The Connecticut Agricultural Experiment Station shall make an annual report to the governor upon adulterated food products, which shall not exceed one hundred and fifty pages.

Sec. 2494. Appropriation. To carry out the provisions of sections 2441, 2442 and 2493, the sum of twenty-five hundred dollars is annually appropriated to said Connecticut Agricultural Experiment Station, which shall be paid in equal quarterly installments to the treasurer of the board of control of said station, upon the order of the comptroller, who shall draw his order for the same.

Sec. 2495. Analysis of Food. The local health authorities of the several cities, boroughs and towns, may procure from any dealer in provisions, groceries, medicines or other articles of consumption, samples of such articles and cause the same to be analyzed by one of the state chemists, and if on such analysis it shall be found that the article analyzed is adulterated with a deleterious or foreign ingredient, other than is represented verbally and in a conspicuous label by the seller, the chemist making the analysis shall issue his certificate setting forth the kind and quantity, as near as may be, of deleterious and foreign ingredients found in the article analyzed; and the health officer causing such analysis to be made shall cause said certificate to be published in some paper published in the city, borough or town, or one nearest thereto where the article analyzed

was obtained, for such length of time as he may think proper, and the cost of analysis and the cost of the publication of the certificate shall be paid by the person or firm from whom the article analyzed was obtained; and if such person or firm shall so elect he or they may annex to said certificate an affidavit setting forth from whom the article analyzed was purchased.

Sec. 2496. Cost of Analysis. In each case where an analysis has been made according to the provisions of sections 2495 and the article analyzed shall have been found pure and free from foreign ingredients, the cost of the analysis shall be paid by the city, borough or town whose health officer caused such analysis to be made.

Sec. 2497. Adulteration of Beer; Penalty. No person or corporation engaged in brewing or manufacturing ale, beer or other fermented liquors shall use in the process of brewing or manufacturing, poisonous or deleterious drugs or chemicals or any impure or injurious materials or such as are prejudicial to the health of any person brewing or making use of such ale, beer or other fermented liquors. Every violation of any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

Sec. 2498. Penalty for Sale. Every person who shall sell or expose for sale any ale, beer or other fermented liquors, knowing the same to be adulterated, or shall adulterate for the purpose of sale any ale, beer or fermented

liquors, shall be fined not more than one thousand dollars or imprisoned not more than six months.

Sec. 2499. Analysis of Fermented Liquors. The commissioner of health, or persons designated by the State Department of Health, may at any reasonable time enter upon the premises of any brewer or wholesale or retail dealer in ale, beer or other fermented liquors and secure direct from the vessel or package in which such liquors are contained samples of such liquors. The person securing the sample shall seal the package containing the same in the presence of the retailer, wholesaler or brewer, or their authorized representative, and shall deliver it to the state chemist with seal unbroken. The state chemist shall analyze all samples thus submitted to him, and if he finds that any contain poisonous or deleterious drugs or chemicals or impure or injurious materials, he shall acquaint the proper prosecuting officer with the facts.

Sec. 2500. Distribution of Drugs and Poisons. Every person who shall by himself, his servant or agent, distribute or give away, in any street or highway or from house to house, any bottle, box, envelope or package containing any liquid medicine, or any pill, powder, tablet or other article which contains any drug or poison shall be fined not more than fifty dollars or imprisoned not more than one year or both.

Sec. 2501. Adulteration of Turpentine. No person, firm or corporation shall manu-

facture, mix for sale, offer or expose for sale, or have in his or its possession with intent to sell, or sell under the name of turpentine or spirits of turpentine, any article not wholly distilled from rosin, turpentine gum, or scrapings from pine trees, and unmixed and unadulterated with oil, benzine or any other substance, unless the package containing the same shall be labeled "Adulterated Spirits of Turpentine." Nothing herein contained shall be construed as prohibiting the manufacture or sale of such compound or imitation, **provided**, the package containing the same shall be plainly marked as such. Any package in which such turpentine is delivered shall be plainly marked "Adulterated Spirits of Turpentine."

Sec. 2502. Penalties. Any person who shall violate any provision of the preceding section, or any member of a partnership or officer of a corporation who shall authorize or direct any such violation shall be fined not more than one hundred dollars for the first offense, not less than one hundred nor more than two hundred dollars for the second offense, and shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both, for the third offense. Prosecutions for said violations shall be made and conducted pursuant to the provisions of sections 2442, 2443, 2444 and 2445.

Sec. 2503. Enforcement of the Foregoing Provisions. It shall be the duty of the dairy and food commissioner and the director of the Connecticut Agricultural Experiment

Station, acting jointly, to enforce the provisions of sections 2501 and 2502. The dairy and food commissioner and his assistants, deputies, experts, chemists or official agents shall have access to all places of business and buildings where turpentine is kept for sale or stored, and shall have authority to open any receptacle supposed to contain turpentine, inspect the contents and take samples thereof for analysis.

Sec. 2504. Dairy and Food Commissioner. The Governor shall appoint a citizen of the state as a dairy and food commissioner, who shall hold office for four years from and after the first day of May succeeding his appointment and until his successor is appointed, unless sooner removed by the governor for cause, and the governor may fill any vacancy in the office. A room in the capitol shall be set apart for the dairy and food commissioner, who shall enforce the provisions of this chapter. Said commissioner may appoint and remove a deputy, who may also act as clerk, and who, under the direction of the commissioner, shall have all the powers of the commissioner. For the purpose of examining into any suspected violation of the provisions of this chapter, the said commissioner or his deputy shall have free access, at all reasonable hours, to all places and premises, apartments of private families keeping no boarders excepted, where he suspects imitation butter to be made, sold, used, kept, or stored in transit, or where it is suspected that the provisions of the law relating to adulterated

molasses or imitation vinegar, or the manufacture or sale thereof, or that the laws relating to tub, print, renovated or process butter, or eggs are being violated. The agents of railroads and express companies having knowledge or record of any consignment of imitation butter, shall inform the commissioner or his deputy of such consignment and the name of the consignee when requested by said commissioner or his deputy. On the tender of the market price of good butter, good eggs, good vinegar or good molasses, the commissioner or his deputy, may take from any person, firm or corporation, samples of any such article which he suspects is sold, offered for sale, kept with intent to sell, made or manufactured as the case may be, contrary to any provisions of this chapter; he may analyze such samples or have them analyzed by a state chemist or by an experiment station, and a sworn or affirmed certificate by such analyst shall be **prima facie** evidence of the ingredients and constituents of the samples analyzed; and if such analysis shall show that such sample does not conform to the requirements of law, and shall give the commissioner or his deputy reasonable grounds for believing that any provision of this chapter has been violated, he shall cause such violator to be prosecuted. The commissioner or his deputy shall make an examination of the premises of any farm or dairy, or any place where cattle, dairy stock or other domestic animals are kept within this state, where any unsanitary condition liable

to affect the products of such farm or dairy exists, or is reported or suspected to exist. When any such condition shall be found by him he shall notify the owner or occupant of the premises upon which such condition exists to remove or abate the same at the expense of such owner or occupant, within such time as the commissioner or his deputy shall direct; and he may by notice in writing to the owner or occupant, prohibit the sale of any milk or milk products produced on any farm or in any dairy, the owner or occupant of which neglects or refuses to comply with any order of the commissioner or his deputy to remove or abate any unsanitary condition existing on such premises which is liable to affect the products of such farm or dairy, until such unsanitary condition is removed or abated to the satisfaction of the said commissioner or his deputy, and such prohibition is terminated by him in writing. The commissioner may employ such assistants as shall be necessary to enforce the provisions of this chapter, and he and his deputy and assistants shall have free access at all reasonable hours to all such premises and places for the purpose of making the examination provided herein. Every person who refuses such access, or who sells any milk or milk products of any farm or dairy the sale of which has been prohibited as herein provided, shall be fined not more than twenty-five dollars or imprisoned not more than thirty

days or both. A biennial report shall be made to the governor by the dairy and food commissioner.

Sec. 2505. Obstructing Dairy and Food Commissioner; Penalty. Every person refusing the dairy and food commissioner or his deputy, reasonable access for said purpose of examination, or refusing to sell samples as provided in section 2504, shall be fined not more than seven dollars or imprisoned not more than thirty days or both. Evidence of any violation of this section shall be **prima facie** evidence of wilful violation.

GENERAL STATUTES, REVISION OF 1918

CHAPTER 137.

Sec. 2679. Sale and Use of Articles Containing Wood Alcohol. Any person who shall sell, exchange or offer for sale or exchange or deliver to another any wood alcohol, known as methyl alcohol, shall affix to the vessel or container holding the same a label bearing the words, "wood alcohol, poison," printed or written thereon in letters not less than one-fourth of an inch in height. No person shall sell, exchange, offer for sale or exchange or deliver or have in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug, intended for external or internal use on or within the human body, or any perfume or toilet article containing any wood alcohol known as methyl alcohol. Any person violating any provision of this section shall be fined not more than five hundred dollars or imprisoned not more

than six months or both. The dairy and food commissioner shall prosecute or cause to be prosecuted any violation of the provisions of this section in the manner provided by section 2446.

GENERAL STATUTES, REVISION OF 1918

CHAPTER 236.

Sec. 4774. "Concentrated Commercial Feeding Stuff" Defined. The term "concentrated commercial feeding stuff" shall include linseed meals, cottonseed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chop, corn and oat feeds, ground beef, fish scraps, mixed feeds, provenders, bran, middlings, and mixed feeds made wholly or in part from wheat, rye or buckwheat and all materials of a similar nature, but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the seed of wheat, rye, barley, oats, Indian corn, buckwheat or broom corn nor feed ground from whole grain and sold directly from manufacturer to consumer.

Sec. 4775. Certificate of Weight and Quality. Every lot or parcel of concentrated commercial feeding stuff, sold, offered or exposed for sale, shall have affixed thereto in a conspicuous place on the outside thereof a plainly printed statement, except as provided in section 4776, certifying the number of net pounds of feeding stuff contained therein,

the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer or importer, and a statement of the percentage it contains of crude fat and of crude protein, both constituents to be determined by the methods adopted at the time by the association of official agricultural chemists of the United States, but such lot or parcel shall not be sold, offered or exposed for sale with such statement affixed thereto by any wire or other metal.

Sec. 4776. Certificate for Cottonseed Meal. Whenever cottonseed meal is sold for fertilizer, the dealer shall, with the consent of the purchaser, issue in lieu of the printed statement provided for in section 4775, a certificate which shall contain the statements required by section 4775.

Sec. 4777. Statement to be Filed. Every manufacturer, importer, agent or seller of any concentrated commercial feeding stuff shall, upon request, file with the Connecticut Agricultural Experiment Station a certified copy of the statement prescribed in sections 4775 and 4776.

Sec. 4778. Penalty. Every manufacturer, importer, agent or person selling, offering or exposing for sale any concentrated commercial feeding stuff in relation to which all the provisions of sections 4775, 4776 and 4777 have not been complied with, shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for each subsequent offense.

Sec. 4779. Samples for Analysis. The

Connecticut Agricultural Experiment Station may collect a sample, not exceeding two pounds in weight, for analysis, from any lot, parcel or package of concentrated commercial feeding stuff, or unmixed meals, brans or middlings, which may be in the possession of any manufacturer, importer, agent or dealer, but said sample shall be taken in the presence of the parties in interest or their representatives, and taken from a number of parcels or packages which shall not be less than five per centum of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same; said label shall be signed by the station chemist or his deputy, and by the party or parties in interest or their representatives present at the taking and sealing of said sample; one of said samples shall be retained by said chemist or his deputy and the other by the party whose stock is sampled. Said station shall cause at least one sample of each brand of feeding stuff so collected to be analyzed annually by or under the direction of said chemist. Said analysis shall include determinations of crude fat and crude protein and such other determinations as may be advisable. Said station shall cause the analysis so made to be published in station bulletins, together with such additional information in

relation to the character, composition and use thereof as may be of importance, and issue the same annually or more frequently if advisable.

Sec. 4780. Enforcement of the Provisions of this Chapter. The dairy and food commissioner shall enforce the provisions of this chapter, and when evidence is submitted by the Connecticut Agricultural Experiment Station that said provisions have been violated, he shall make complaint to the proper prosecuting officer.

Sec. 4781. Term "Importer" Defined. The term "importer" shall include such persons as shall bring into or offer for sale within this state concentrated commercial feeding stuffs manufactured without this state.

GENERAL STATUTES, REVISION OF 1918

CHAPTER 238.

FOOD IN PACKAGES.

Sec. 4794. Sale of Food in Package Form; Weight; Marking. Every person who shall sell or offer for sale food in package form, unless the net quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count, shall be subject to the penalties provided in section 2446, **provided**, reasonable variations shall be permitted, and allowances shall be established by rules and regulations made from time to

time by the dairy and food commissioner and the director of the Connecticut Agricultural Experiment Station. The definitions of the terms "food" and "person" as given in sections 2437 and 2448 respectively, shall apply to the provisions of this section, **provided**, the term "food" as used herein, shall not include confectionery and shelled nuts when offered for sale in packages at a price not exceeding ten cents each.

GENERAL STATUTES, REVISION OF 1918

CHAPTER 336

Frauds and False Pretenses.

Sec. 6516. Fraudulent Advertisements. No person, firm, corporation or association, or employee thereof shall knowingly make any false statement in any advertisement published in a newspaper or circular, or on any card, sign, bill board, label or other advertising medium concerning the nature, quality, method of production or manufacture, or cost of any goods or merchandise offered for sale. Any person violating the provisions of this section shall be fined not less than ten nor more than five hundred dollars.

PUBLIC ACTS OF 1919

CHAPTER 194

An Act Concerning the Licensing of Certain Dealers in Dairy Products.

Section 1. No person, firm, association or corporation shall engage in the purchase from producing dairymen of milk or cream to be resold either to dealers engaged in the sale of such products, or at retail to consumers without having obtained from the dairy and food commissioner a license to be issued by him under the provisions of this act. Application for such license shall be made in writing upon forms provided by the dairy and food commissioner. Each license shall run to the first day of July following the date of issue, and the fee for such license shall be fifty cents per month. Such license may be revoked by the commissioner, for cause and on reasonable notice stated in writing to the licensee, but the licensee may appeal to the court of common pleas or the superior court for Hartford county, and on such appeal the court may restore such license, upon such terms and conditions as may be equitable. All license fees received under this section shall be accounted for to the state comptroller and paid to the state treasurer, and added to the regular appropriation for the expense of the dairy and food commissioner.

Sec. 2. Each applicant shall furnish to the commissioner proof of his financial responsibility to meet such obligations as he may contract in the purchase of such milk and cream, or he shall furnish a bond, sufficient in amount and satisfactory to the commissioner, running to the state, to be filed with the commissioner, conditioned upon the faithful fulfillment of his obligations to producing dairymen for milk and cream purchased by him in the conduct of such business. Suit for forfeiture of such bond may be brought by the Attorney General in the name of the state in the court of common pleas or the superior court for Hartford county and the avails thereof shall be used by dairy and food commissioner to satisfy, pro rata, the claims of producing dairymen against such licensee. Claims may be proved at a hearing before the dairy and food commissioner, or his deputy, provided notice of such hearing shall have been given to all known parties in interest at least fifteen days prior to such hearing, and by newspaper publication.

Sec. 3. The commissioner shall furnish to each such licensee a certificate showing his name and address, the character of the business for which such license is issued, his principal place of business and the dates of issue and termination of such license. Any person licensed under the provisions of this act shall, upon request of the commissioner, his deputy or other duly authorized representative, show his license certificate, and, upon request, shall file with the commissioner

a statement under oath showing the amount of milk and cream purchased by him from producing dairymen during the month next preceeding, and the commissioner may there-upon order the filing of a bond or an increase or decrease in the amount of the existing bond.

Sec. 4. Any person who shall engage in the purchase of milk or cream from producing dairymen without having procured a license or who shall fail to exhibit his certificate on request, or who shall fail to file a statement under oath upon request of the commissioner as required by the provisions of this act, shall be fined not more than one hundred dollars or imprisoned not more than sixty days, or both, and, upon a subsequent violation, shall be subject to a like fine and imprisonment of not less than thirty days.

PUBLIC ACTS OF 1919

CHAPTER 260

An Act Concerning the Manufacture and Sale of Ice Cream.

Sec. 1. No person shall sell, expose for sale or have in his possession with intent to sell, any ice cream misbranded or adulterated as hereinafter defined.

Sec. 2. Ice cream, within the meaning of this act, is the frozen product made from cream with the addition of milk or milk products and sugar, with or without natural flavoring, manufactured, stored, distributed and dispensed in a sanitary manner, and contains not less than eight per centum of milk fat. Fruit ice cream is the frozen product made from cream with the addition of milk or milk products and sugar, and sound, clean, matured fruits, and contains not less than six per centum of milk fat. Nut ice cream is the frozen product made from cream with the addition of milk or milk products and sugar and sound, non-rancid nuts, and contains not less than six per centum of milk fat.

Sec. 3. Ice cream shall be deemed adulterated within the meaning of this act if in substance and quality it fails to meet the provisions and standards required for standard ice cream, or if it shall contain boric acid, salicylic acid, formaldehyde, saccharin or any substance deleterious to health, or if it shall contain salts of copper, iron oxide, ochres or any coloring substance or compound

or flavoring matter deleterious to health, provided nothing in this section shall be construed to prohibit the use of harmless colors permitted to be used in foods, or of harmless imitation flavors, if the presence of the same shall be made known to the purchaser thereof.

Sec. 4. Nothing in this act shall be construed to prohibit, in the manufacture of ice cream, the use of fresh eggs, pure gelatin or harmless vegetable gums; and nothing in this act shall be construed to prohibit the manufacture and sale of ice cream containing less than the amounts of milk fat required by section two of this act, provided the true fat content of such ice cream be plainly and conspicuously stated on the container in which it is sold, or in the case of ice cream sold in bulk, that the true fat content be made known to purchasers thereof by means of a suitable sign displayed at the time and place of sale.

Sec. 5. Any person who shall violate any of the provisions of this act shall be fined not less than ten nor more than two hundred dollars for the first offense, and for any subsequent offense a like fine and imprisonment of thirty days, but no dealer shall be prosecuted under the provisions of this act if he shall present a statement in writing from the manufacturer, wholesaler or jobber from whom such ice cream was purchased, containing a guarantee as to the quality of such ice cream.

Sec. 6. The dairy and food commissioner shall enforce the provisions of this act.

PUBLIC ACTS OF 1919
CHAPTER 295
AN ACT CONCERNING THE GRADING OF
APPLES.

Sec. 1. The standard barrel for apples shall be of the following dimensions when measured without distention of its parts. Length of stave twenty-eight and one-half inches; diameter of head seventeen and one-eighth inches; distance between heads twenty-six inches; circumference of bulge sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch; provided, that any barrel of a different form having a capacity of seven thousand and fifty-six cubic inches shall be a standard barrel. The standard box for apples shall be of the following dimensions, by inside measurement: Eighteen inches by eleven and one-half inches by ten and one-half inches, without distention of its parts, and shall have a capacity of not less than two thousand one hundred and seventy-three and one-half cubic inches.

Sec. 2. The standard grades of apples when packed or repacked in closed packages within this state shall be as follows: "(Name of state) Standard Fancy" shall consist only of apples of one variety of which not less than ninety-seven per cent. shall be well matured specimens, shall be hand-picked, color above medium and high for the variety, normal shape, of good size for the variety and reasonably uniform in size, with none less than two and one-half inches in diameter,

sound and free from dirt, disease, insect or fungus injury, bruises and other defects, except such as are necessarily caused in the operation of packing, and shall be packed properly in clean, strong packages. “(Name of state) Standard A” shall consist only of apples of one variety of which not less than ninety-five per cent. shall be well matured specimens, shall be hand-picked, properly packed, of medium color for the variety, normal shape, sound, and practically free from dirt, disease, insect or fungus injury, bruises and other defects, except such as are necessarily caused in the operation of packing. “(Name of state) Standard B” shall consist only of apples of one variety of which not less than ninety per centum shall be properly packed, shall be of practically normal shape, practically free from dirt, disease, insect or fungus injury, bruises and other defects that materially injure the useful quality of the apples. “Unclassified.” Apples not conforming to the foregoing specifications of grade or, if conforming, not branded in accordance therewith, shall be classed as “unclassified” and so branded.

Sec. 3. Every closed package of apples packed or repacked in the state and intended for sale, either within or without the state, shall have marked in a conspicuous place on the outside of the package in plain letters the following statements in the order named: (1) The name of the state where grown; (2) the name of the grade as specified in section two of this act; (3) the minimum size of the

apples contained therein; (4) a true statement of the quantity of the contents; (5) the name of the variety; (6) the name and address of the person by whose authority the apples were packed. If the true name of the variety shall not be known to the person by whose authority the apples were packed, then such statement shall include the words "variety unknown." Every closed package of apples which is repacked shall bear the name and address of the person by whose authority the apples are repacked in place of that of the original owner.

Sec. 4. The minimum size of the fruit in all grades, including the unclassified, shall be marked upon the package as required in section three, and shall be determined by taking the transverse diameter of the smallest fruit in the package at right angles to the stem and blossom end. Minimum size shall be stated in variations of one-quarter of an inch. Minimum sizes may be designated by figures instead of words. The word "minimum" may be designated by using the abbreviation "min."

Sec. 5. The marks indicating the grade shall not be accompanied by any other designation of grade or brand which is inconsistent with or marked more conspicuously on the package than the mark or marks required by section three of this act.

Sec. 6. The branding or marking of barrels under the provisions of this act shall be in block letters and figures of a size not less than one-half-inch in height.

Sec. 7. It shall be unlawful for any person to pack, sell, distribute, or offer or expose for sale or distribution apples which are adulterated or misbranded within the meaning of this act.

Sec. 8. For the purposes of this act, apples packed in a closed package shall be deemed to be adulterated if their measure, quality or grade does not conform in every particular to the brand or mark upon or affixed to the package, or if the faced or shown surface gives a false representation of the contents of the package.

Sec. 9. For the purposes of this act apples packed in closed package shall be deemed to be misbranded: (1) If the package is packed or repacked in the state and fails to bear all statements required by section two, three, four and five, and in accordance with the provisions of section six of this act; (2) if the package, whether packed or repacked within or without the state, is falsely branded, or bears any statement, design or device, regarding the apples contained therein, which is false or misleading or if the package bears any statement, design or device indicating that the apples contained therein are of a specified standard grade, and said apples, when packed or repacked, do not conform to the requirements prescribed by the provisions of this act for such grade.

Sec. 10. Apples which have been in cold storage and sold for delivery outside the state shall not be sold or distributed, or offer-

ed or exposed for sale or distribution in closed packages until they have been inspected in accordance with rules and regulations to be prescribed by the dairy and food commissioner or by his authorized agent.

Sec. 11. Any person who adulterates or misbrands apples within the meaning of this act, or who packs, repacks, sells, distributes or offer or exposes for sale or distribution apples in violation of any provision of this act, or who wilfully alters, effaces, or removes or causes to be altered, effaced or removed, wholly or partly, any brands or marks required to be put upon closed package under the provisions of this act, shall be punished by a fine not exceeding fifty dollars for the first offense and by a fine not exceeding two hundred dollars for each subsequent offense.

Sec. 12. No person who sells or distributes or offers or exposes for sale or distribution apples adulterated or misbranded within the meaning of this act shall be deemed to have violated any of the provisions of this act, if it shall appear that he acted in good faith solely as a distributor, or if he shall furnish a guaranty signed by the person from whom he received the apples, with the address of such person, that the apples are not adulterated or misbranded within the meaning of this act. In such cases the person from whom the distributor received the apples shall be liable for the acts of the distributor who relied upon his guaranty to the same extent

as the distributor would have been liable under the provisions of this act.

Sec. 13. The word "person" as used in this act shall include persons, firms, corporations, societies and associations, and the acts of agents and employers shall be construed to be the acts of their principals and employers as well as to the agents and employees. The words "closed package" shall mean a barrel, box or other container the contents of which cannot be sufficiently seen for the purposes of inspection without opening the container.

Sec. 14. Sections 4791, 4792 and 4793 of the general statutes are hereby repealed.

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